

## New Legislation

County Clerks  
Annual Conference  
June 2012

### SEA 115-PL119

- Adds IC 1-1-3.5-8
- Specifies that changes in population parameters in legislation enacted during the 2012 regular session take effect April 1, 2012.
- Substitutes names for population parameters in various statutes

### SEA 147-PL 120

- Adds IC 36-2-9-2.5, IC 36-2-9.5-2.5, and IC 36-2-10-2.5
- Effective July 1, 2012
- Requires training of county auditors and treasurers
- Similar to statutes currently for recorders, clerks and surveyors
- Amends IC 36-2-9-17
- Specifically allows for county elected officials training fund to be used for auditors and treasurers

## SEA 193-PL 90

- Effective January 1, 2013
- Amends IC 3-8-1-33
- A candidate for local office must file a statement of economic interest
- Adds IC 3-8-9
- Provides details on the statement of economic interest

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## SEA 249 –PL 22

- Amends IC 31-11-4-18 Effective July 1, 2012
- Forwarding records of marriage to Department of Health on at least a monthly basis
- Added that clerk may forward marriage records
  - In a paper form; or
  - An automated system developed by judicial technology and automation project; or
  - Another automated system approved by Department of Health
- If sent electronically to Department of Health do not have to send a paper form

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## SEA 257 –PL 125

- Adds IC 9-22-1-21.5 – Abandoned vehicles
- Adds IC 9-22-6 –Mechanic's Liens for vehicles
- Deletes IC 9-22-5-15
- Vehicles
  - An entity performs labor, repair work, etc.; or
  - Tows a vehicle and
- Acquires a lien and sales the vehicle under this section
- Any surplus of the purchase price is to go to the owner
- Owner address unknown the surplus goes to clerk

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## SEA 262 –PL 126

- Effective July 1, 2012
- Repeals IC 35-44
- Relocates and reorganizes chapters under IC 35-44 to new article IC 35-44.1
  - Official Misconduct moved from IC 35-44-1-2 to IC 35-44.1-1-1
  - Conflict of Interest moved from IC 35-44-1-3 to IC 35-44.1-1-4
- Relocates certain codified crimes from IC 5 and moves to the criminal code under IC 35-44.2
- Amends IC 5-13-5-1
  - A person who violates this section is subject criminal prosecution under IC 35-44.2-2-2

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## SEA 286-PL 48

- Amends IC 31-34-19-16.1
- County no longer responsible for cost of juvenile placement if juvenile court does not have written findings that the placement was an emergency

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## SEA 287-PL 128

- Amends IC 33-37-7-2
- 100% of child abuse prevention fees go semi-annually to the Auditor of State
- Amends IC 31-14-11-12
- Adds Title IV-E as a qualifier to forward child support payments directly to DCS without a court order
- Adds IC 31-14-11-13(c)
- The records created under this section are the official records

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### HEA 1003-PL 134

- Open door law
- Amends IC 5-14-1.5-3, IC 5-14-1.5-3.5 and IC 5-114-1.5-4 effective January 1, 2013
- Participation of member of governing body in a meeting by electronic means
- Amends IC 5-14-1.5-5 effective July 1, 2012
- Notices by electronic means
- Adds IC 5-14-1.5-7.5
- Penalties for:
  - Failing to give proper notice of a regular meeting, special meeting or executive session
  - Taking final action outside a meeting
  - Participating in a secret ballot during a meeting

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### HEA 1003-PL 134 Continued

- Access to public records
- Amends IC 5-14-3-3
- Within a reasonable time after the request
- Adds IC 5-14-3-9.5
- Provides for civil penalties:
  - Denying records request when
    - Public Access Counselor instructs to do so in advisory opinion and
    - Specific intent to unlawfully withhold
  - Intentionally charges copying fees in excess of amounts authorized
- Effective July 1, 2012

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### HEA 1005 –PL 135

- Add IC 3-5-9 Effective January 1, 2013
- Elected Office
  - The executive or a member of the executive body of a unit
  - A member of the legislative body or fiscal body of a unit
- An employee of a unit is considered resigned as an employee when the person assumes an elected office of that unit
- A volunteer firefighter or firefighter under contract that provides fire protection services for a unit may not assume or hold elected office of that unit
- Does not prohibit an employee or firefighter from holding elected office of another unit
- Limited grandfather clause

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**HEA 1005 –PL 135 Continued**

- Nepotism
- Adds IC 36-1-20.2 Effective July 1, 2012
- Establishes minimum requirements regarding employment of relatives
- Unit is to adopt a policy that includes these requirements
- Executive must state in 100R if a policy has been implemented
- Each elected officer of the unit shall annually certify in writing that the officer has not violated this chapter
  - The certification is submitted to the executive of the unit
  - The certification is submitted not later than Dec.31<sup>st</sup>
- SBOA determines if policy has been implemented
- If not implemented the DLGF may not approve a units budget or additional appropriation

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**HEA 1005 –PL 135 Continued**

- Adds IC 36-1-21 Effective July 1, 2012
- Establishes minimum requirements regarding relatives of elected officials contracting with a unit
- Unit is to adopt a policy that includes these requirements
- Provides disclosure and filing requirements
- Executive must state in 100R if a policy has been implemented
- Each elected officer of the unit shall annually certify in writing that the officer has not violated this chapter
  - The certification is submitted to the executive of the unit
  - The certification is submitted not later than Dec.31<sup>st</sup>
- SBOA determines if policy has been implemented

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**HEA 1049 –PL 136**

- Amends IC 33-23-16-23 and IC 33-23-16-23.5
- Problem solving court or clerk of court shall collect fees provided under these sections
- Court transfers fees to clerk no later than 14 days
- Clerk transfer to auditor within 30 days after fees are collected
- Amends IC 33-34-8-1, IC 33-34-8-3, IC 33-37-4-4, IC 33-37-4-6, IC 33-37-4-7, and IC 33-37-7-2
- Adds IC 33-37-5-31
- Effective July 1, 2012 and before July 1, 2017 a new fee is to be collected
- Pro bono legal services fee \$1
- Distributed semi annually to Auditor of State

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**HEA 1200-PL 147**

- Amends IC 31-37-19-1 and IC 31-37-19-5
- Juvenile court order of supervision of child by probation department
- Child or child's parent responsible for certain costs
- Any costs collected for such services shall be deposited in the county supplemental juvenile probation services fund
- Amends IC 35-38-2-2.3
- As condition of probation person may be required to participate in a treatment program, educational class, or rehab service
- If imposed the person on probation is responsible for any costs
- Costs collected for services provided shall be deposited in the county supplemental adult services fund

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**HEA 1279 –PL 151**

- Amends IC 14-22-12-1.5, Effective July 1, 2012
- Reduced Fee Licenses
- Added that each decade a qualified individual may obtain both:
  - A resident licenses to fish that is valid for 10 years and a resident license to hunt that is valid for 10years; or
  - A resident license to hunt and fish that is valid for 10 years
- Reduced license fee of \$27.50

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**SEA 109-PL39**

Amends IC 5-13-9-5.3

Effective July 1, 2012

Was applicable to CDs only

Applicable to interest bearing deposit accounts

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## SEA 191-PL 43

- Investment of Public Funds Effective July 1, 2012
- Adds IC 5-13-9-5.7
- Allows a political subdivision to adopt an investment policy that authorizes the investment of public funds for:
  - More than 2 years
  - Not more than 5 years
- Limits the total investments outstanding

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